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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark Andrew Dinan

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EXAMINER

COFFY, EMMANUEL

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,795

Applicant(s)

DINAN ET AL.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendments filed on April 14, 2006. Claims 1-20 are pending. Claims 1-20 are directed to a method, system and software for a "Graphical Interactive Interface for Immersive Online Communities." Claims 1-2, 4, 11-12, 15, 17-18 are amended.

Priority is denied.

2. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. §112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

In response to the denial of priority, Applicant asserted that: "the mere fact that the Provisional Application had a total of 8 pages, while the Non-Provisional had a total of 15 pages is not relevant to the requirements of the first paragraph of 35 U.S.C. §112". See remarks, 2nd paragraph. Be that as it may however, the Provisional Application had a total of 12 Figures whereas the Non-Provisional Application had a total of 22 Figures. Applicant is invited to explain how can both documents meet the requirements of the first paragraph of 35 U.S.C. §112".

Response to Arguments

3. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9, 11-14, 16- 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lyons (US 6,181,343) in view of Viktorsson et al. (US 6,397,080).

Lyons teaches the invention as claimed including a system and method for permitting three-dimensional navigation through a virtual reality environment using camera-based gesture inputs of a system user. (See abstract.)

Claim 1.

Lyons teaches a method, in which a user interacts within an immersive online community having intelligent virtual objects, said method comprising the steps of: (See col. 1, lines 29-45; col. 4, lines 22-40.)

providing a set of user tools including identity tools; (See col. 6, line 64-col. 7, line 22).

a user through use of said identity tools selecting a set of characteristics to represent a first avatar object wherein each of said characteristics is associated with a unique personality specified by the user; (See col.2, lines 9-14; col. 6, lines 4-55.);

providing a set of interface tools; (See col. 2, lines 14-42)

said first avatar object interacting with other intelligent avatar objects, utilizing predetermined ones of said interface tools such that said other avatar objects receive real-time responses to stimuli initiated by said other intelligent virtual objects; and (See col.2, lines 9-14; col. 6, lines 4-55.)

said first avatar object interactively passing user generated content between said other avatar objects and said user under administrative controls. (See col.2, lines 9-14; col. 6, lines 4-55.)

Lyons does not specifically teach avatar virtual object. However, Viktorsson does. See Fig. 2 (213); col. 1, lines 19-32.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the system for use in a virtual environment as taught by Viktorsson, because this system would allow multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 2.

Lyons teaches the method of claim 1 as discussed above further comprising the step of: said user controllably navigating said first avatar object within the confines of the immersive online community. (See col. 1, lines 29-45; col. 4, lines 22-40.)

Lyons does not specifically teach avatar virtual object. However, Viktorsson does. See Fig. 2 (213); col. 1, lines 19-32.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the system for use in a virtual environment as taught by Viktorsson, because this system would allow multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 3.

Lyons teaches the method of claim 2 wherein the navigation is metaphorically correct representation of a three dimensional world. (See col. 8, lines 33-38.)

Claim 4.

Lyons teaches the method of claim 1 wherein the response to stimuli includes said user sending projectiles between said first avatar object and another avatar object. (See col. 6, lines 4-55.)

Lyons does not specifically teach avatar virtual object. However, Viktorsson does. See Fig. 2 (213); col. 1, lines 19-32.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the system for use in a virtual environment as taught by Viktorsson, because this system would allow multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 5.

Lyons teaches the method of claim 1 wherein the response to stimuli includes said user dancing in a metaphorically correct manner. (See col. 6, lines 4-55; especially line 35 – user gestures, body motions, head motions and eye motions are equivalent to dancing as claimed above.)

Claim 6.

Lyons teaches the method of claim 1 wherein the response to stimuli includes said user playing games with said other intelligent virtual objects. (See col. 6, lines 4-55; especially line 24 – and movement by the system users causes apparent movement of the three dimensional objects.. and line 35 – user gestures, body motions, head motions and eye motions are equivalent to playing games as claimed above.)

Claim 7.

Lyons teaches the method of claim 1 as discussed above wherein said user creates

objects using interactive Java tools to interact within the immersive online community. (See col. 9, lines 49-62; col. 8, lines 31-44 system software encompasses Java tools.)

Claim 9.

Lyons teaches the method of claim 1 as discussed above wherein said user participates in the economy on the immersive online community via use of an economy tool. (See col. 9, lines 36-62; col. 6, lines 4-55.)

Claim 11.

Lyons teaches a computer system contained within a computer network comprising:
multiple computers are connected together using telecommunications mechanisms optimized for low band width connections;

a plurality of users using said multiple computers communicate with each other by way of a plurality of avatars;

said computer system comprising the steps of:

providing a set of user tools including identity tools; (See col. 6, line 64-col. 7, line 22).
a user through use of said identity tools selecting a set of characteristics to represent a first avatar object wherein each of said characteristics is associated with a unique personality specified by the user; (See col.2, lines 9-14; col. 6, lines 4-55.);

providing a set of interface tools; (See col. 2, lines 14-42)

said first avatar object interacting with other intelligent virtual objects utilizing said predetermined interface tools such that said other avatar objects receive real-time responses to stimuli initiated by said other avatar objects; (See col.2, lines 9-14; col. 6, lines 4-55.)

and said first avatar object interactively passing user generated content between said other avatar objects and said user under administrative controls. (See col.2, lines 9-14; col. 6, lines 4-55.)

Lyons does not specifically teach avatar virtual object and multiple computers are connected together using telecommunications mechanisms optimized for low band width connections;

a plurality of users using said multiple computers communicate with each other by way of a plurality of avatars; However, Viktorsson does. See Fig. 1, Fig. 2 (213); col. 1, lines 19-32.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the system for use in a virtual environment as taught by Viktorsson, because this system would allow multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 12.

Lyons teaches the system of claim 11 as discussed above wherein the user controls navigation of said avatar object within the confines of the immersive online community. (See col. 1, lines 29-45; col. 4, lines 22-40.) However, Viktorsson does. See Fig. 1, Fig. 2 (213); col. 1, lines 19-32.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the system for use in a virtual environment as taught by Viktorsson, because this system would allow multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 13.

Lyons teaches the system of claim 12 wherein the navigation is metaphorically correct representation of a three dimensional world. (See col. 8, lines 33-38.)

Claim 14.

Lyons teaches the system of claim 11 wherein the user creates objects using interactive Java tools to interact within the immersive online community. (See col. 9, lines 49-62; col. 8, lines 31-44 system software encompasses Java tools.)

Claim 16.

Lyons teaches the system of claim 11 having an interface engine residing within a Java environment, the interface engine updating dynamically using Java standard class libraries. (See col. 9, lines 49-62; col. 8, lines 31-44 system software encompasses Java tools.)

Claim 17.

A programmable media containing programmable software enabling a user to interact within an immersive online community having avatar objects, said programmable software comprising the steps of: (See col. 8, 9 and 10)

providing a set of user tools including identity tools; (See col. 6, line 64-col. 7, line 22).
a user through use of said identity tools selecting a set of characteristics to represent a first avatar object wherein each of said characteristics is associated with a unique personality specified by the user; (See col.2, lines 9-14; col. 6, lines 4-55.)

providing a set of interface tools; (See col. 2, lines 14-42)

said first avatar object interacting with other intelligent virtual objects utilizing said predetermined interface tools such that said other avatar objects receive real-time responses to stimuli initiated by said other avatar objects;
(See col.2, lines 9-14; col. 6, lines 4-55.)

and, said first avatar object interactively passing user generated content between said other avatar objects and said user under administrative controls. (See col.2, lines 9-14; col. 6, lines 4-55.)

Lyons does not specifically teach online community having avatar objects. However, Viktorsson does. See Fig. 1, Fig. 2 (213); col. 1, lines 19-32.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the system for use in a virtual environment as taught by Viktorsson, because this system would allow multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 18.

Lyons teaches the programmable media of claim 17 as discussed above further comprising the additional step of: said user controllably navigating said first avatar object within the confines of the immersive online community. (See col. 1, lines 29-45; col. 4, lines 22-40.)

Lyons does not specifically teach avatar objects. However, Viktorsson does. See Fig. 1, Fig. 2 (213); col. 1, lines 19-32.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the system for use in a virtual environment as taught by Viktorsson, because this system would allow multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 19.

Lyons teaches the programmable media of claim 18 as discussed above wherein the navigation is metaphorically correct representation of a three dimensional world. (See col. 8,

lines 33-38.)

Claim 20.

Lyons teaches the programmable media of claim 17 as discussed above wherein the user creates objects using interactive Java tools to interact within the immersive online community. (See col. 9, lines 49-62; col. 8, lines 31-44 system software encompasses Java tools.)

6. Claims 8, 10 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lyons '343 in view of Honda (US 6,020,885) in further view of Viktorsson et al. (US '080)

Lyons teaches the invention substantially as claimed including a system and method for permitting three-dimensional navigation through a virtual reality environment using camera-based gesture inputs of a system user. (See abstract.)

Claim 8.

Lyons substantially teaches the method of claim 1 as discussed above. (See col. 6, lines 4-55; col. 9, lines 49-62.) Neither Lyons nor Viktorsson teach “wherein said user employs verbal invocations that leads to actions such as projectile throwing, dancing and game playing”. However, Honda teaches said limitations. See col. 7, lines 21-25.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the three-dimensional virtual reality space sharing method as taught by Honda, because this system would allow a user to interact with the virtual environment through verbal invocation in addition to video interfaces thereby amplifying the interfaces to the system.

Claim 10.

Lyons substantially teaches the method of claim 1 as discussed above. Neither Lyons

nor Viktorsson teach "wherein the administrative controls provide governance and logging to user actions with the immersive online community." However, Honda teaches said limitations. See Fig. 7 and Fig. 8 and Fig. 11.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the three-dimensional virtual reality space sharing method as taught by Honda, because this system would allow a multiple users to interact with the same virtual environment through the cyberspace system as depicted in Fig. 1.

Claim 15.

Lyons substantially teaches the system of claim 11 as discussed above. (See col. 6, lines 4-55; col. 9, lines 49-62.) Neither Lyons nor Viktorsson teach "wherein said user employs verbal invocations..." However, Honda teaches said limitations. See col. 7, lines 21-25.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the graphical interactive immersive system disclosed by Lyons with the three-dimensional virtual reality space sharing method as taught by Honda, because this system would allow a user to interact with the virtual environment through verbal invocation in addition to video interfaces thereby amplifying the interfaces to the system.

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lection et al. (U.S. 6,091,410) teaches "Avatar Pointing Mode."

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner

EC June 14, 2006


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